

Notice of Allowability

Application No.

10/726,530

Examiner

Chanda L. Harris

Applicant(s)

KUROKAWA, MAMORU

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3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to correspondence filed on 7/9/04.
2. ☒ The allowed claim(s) is/are 1 and 3.
3. ☒ The drawings filed on 04 December 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/075,247.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/4/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Response to Petition

This action is in response to the petition filed on 7/9/04. The petition is treated as a request for reconsideration. It is noted that the petition included a Preliminary Amendment, filed 2/12/04, with all supporting evidence, that predated the issuance of the action sent out on 6/23/04. Therefore, the prior action is vacated and a new action is being issued.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Melvin Kraus on 2/1/05.

The application has been amended as follows:

Specification, Page 1, Line 6: Replace "February 15, 2002", with

-- February 15, 2002, now abandoned, --.

Specification, Page 2, Line 12: Replace "funcation" with -- function --.

Claim 1: A method of measuring memory and learning capabilities of a small animal, comprising:

Measuring successively by an infrared ray detector a position of the small animal in an observation field, while a computer controls opening and closing of a plurality of ~~covers~~ covers, provided between the observation field holding the small animal therein and a feed holder storing feed therein, the opening and closing being conducted in a predetermined order each for predetermined time periods, and a unit period, and

calculating by the computer the number of accessing times, ~~during each unit period, of~~ of the small animal to respective through holes formed on the observation field, ~~which is to be opened/closed with the covers,~~ on the basis of an output from the infrared ray detector, each of said through holes being provided with an escape preventing net having a hole of a diameter smaller than a diameter of a ~~scull~~ skull of the small animal.

Claim 3: A method of measuring memory and learning capabilities of a small animal, comprising: ~~the steps of:~~

measuring a position of the small animal in an observation field successively by an infrared ray ~~detector~~ detector, while a computer controls opening and closing of a plurality of covers ~~covers,~~ provided between the observation field holding the small animal therein and a feed holder storing powdered feed therein, the opening and closing being conducted in a predetermined order for predetermined times, and the computer ~~each for a unit period and controls on/off of~~ water supply through a plurality of nozzles nozzles, inserted into the observation field holding the small animal therein, the control of water supply through ~~the on/off of~~ each nozzle being conducted in a predetermined order for predetermined times, and ~~each for a unit period, and~~

calculating by the computer the number of accessing times, ~~during each unit period,~~ of the small animal to each nozzle and respective through holes formed on the observation field, ~~which is to be opened/closed with the covers,~~ on the basis of an output from the infrared ray detector, each of said through holes being provided with an escape preventing net having a hole of a diameter smaller than a diameter of a skull ~~scull~~ of the small animal.

This amendment was made to overcome minor informalities in the specification and to overcome a potential 112-2nd paragraph rejection due to lack of clarity in the claims.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The prior art does not teach or fairly suggest a computer controlling opening and closing of a plurality of covers provided between an observation field holding the small animal therein and a feed holder storing feed therein and a feed holder storing feed therein, the opening and closing being conducted in a predetermined order each for predetermined time periods and calculating by the computer the number of accessing times of the small animal to respective through holes formed on the observation field in combination with the other claimed limitations (Claim 1 and similar language in independent Claim 3).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gaffan et al. (A computer-controlled maze environment for testing visual memory in the rat)
 - a computer-controlled version of a Y-maze
- Gannon et al. (A System for Studying the Microstructure of Ingestive Behavior in Mice)
 - rodents, ingestion, feeding patterns, drinking patterns
- Ticher et al. (Detection of Rodents Activity Rhythm Fine Structure by a Simple Time Series Monitor)
 - animal-monitoring system

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chanda L. Harris
Examiner
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